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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,157	12/31/2001	Shmuel Shaffer	062891.0641	9347
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			ART UNIT	PAPER NUMBER
			2616	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/039,157	SHAFFER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anh-Vu H. Ly	2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-20,22-39 and 41-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-20,22-39 and 41-60 is/are rejected.
- 7) ☒ Claim(s) 4,6,7,42,44 and 45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Objections*

1. Claims 4, 6-7, 42, and 44-45 are objected to because of the following informalities:

With respect to claims 4, 6-7, 42, and 44-45, in line 2, replace “the communication packet” with --a communication packet-- or --the communication packets--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4, 15, 20, 22-23, 34, 39, 41-42, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Grube et al (US Patent No. 5,387,905). Hereinafter, referred to as Grube.

With respect to claims 1, 20, and 39, Grube discloses a method for assigning call priority in a packet switched environment (Fig. 4), comprising:

receiving a request to establish a connection to a dialed number (col. 5, lines 36-37 and Fig. 4, the process begins when the system receives a call request from a source communication unit);

determining a priority for the connection based on the dialed number and generating a priority certificate based on the priority (col. 4, lines 57-61 and col. 6, lines 30-32, the packets are first processed to include the indicia of priority associated with the source unit and message.

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Herein, the indicia of priority is the priority certificate and generated as a function of the priority of the call request, e.g., emergency call);

attaching the priority certificate to the communication packets of the connection (col. 6, lines 32-35, with the indicia of priority appended, the packets are then routed via the LAN network to the controlled devices in the sites); and

establishing the connection based on the priority (Fig. 5, block 506, route processed message to destinations).

With respect to claims 3, 22, and 41, Grube discloses that processing the communication packets based on the priority certificate (Fig. 5, block 512, forward message with the greatest indicia of priority to the destination).

With respect to claim 4, 23, and 42, Grube discloses that wherein the certificate provides the communication packets with a higher priority to CPU threads processing communication packets for the connection (Fig. 5, block 508, the CPU threads of the controlled device processes received message with greatest indicia of priority first).

With respect to claims 15, 34, and 53, Grube discloses determining resources required to establish the requested connection (Fig. 4, block 406) and provide the connection with priority to the needed resources (Fig. 4, block 416).

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 58 is rejected under 35 U.S.C. 102(e) as being anticipated by Kawahata et al (US 2001/0014095 A1).

With respect to claim 58, Kawahata discloses a method for assigning call priority in a packet switched environment (Figs. 7-8), comprising:

receiving a request to establish a connection to a dialed number (page 8, 135<sup>th</sup> paragraph, when the number of the emergency telephone is dialed through the extension terminal 11, the dialed number is input to the exchange 13);

determining a priority for the connection based on the dialed number (page 8, 136<sup>th</sup> paragraph, the central controlling unit 32 recognizes that the dial is the number for the emergency telephone, extracts a service type corresponding to a priority class, e.g., “high priority” which is higher than a priority class included in the call setting message from the service type management table. Herein, the “high priority” is assigned for emergency call);

establishing the connection based on the priority (page 8, 137<sup>th</sup> paragraph, the service type corresponding to the priority class “high priority” is set to the RBT voice packet and the voice packet which are transmitted toward the IP network 16); and

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increasing the priority of network voice packets associated with the connection relative to other packets (page 7, 128<sup>th</sup> paragraph, the priority class for the calling between the extension terminal 11 and the extension terminal 14 can be increased).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 18-19, 24-25, 37-38, 43-44, and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Kawahata et al (US 2001/0014095 A1). Hereinafter, referred to as Grube and Kawahata.

With respect to claims 5, 24, and 43, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose increasing the priority of network voice packets associated with the connection relative to other packets. Kawahata discloses that the priority of the voice packets of a connection is increased relative to other packets (page 7, 131<sup>st</sup> paragraph). It would have been obvious to one having ordinary skill in the art at the time the invention was made to increase the priority of voice packets of a connection in Grube's system, as suggested by Kawahata, to minimize delay and loss of voice packets when a congestion occurs.

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With respect to claims 6, 25, and 44, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose certificate provides the communication packet with a higher priority to access gateway trunks relative to other connections. Kawahata disclose a translation table 29 for holding a trunk number corresponding to a dial number or a priority control special number (Fig. 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide trunks to higher prioritized packets in Grube's system, as suggested by Kawahata, to minimize delay of voice packets when a congestion occurs.

With respect to claims 18-19, 37-38, and 56-57, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose monitoring end-point usage of augmented priority and modifying the priority of the connection based on end-point usage. Kawahata discloses that when the congestion is generated in IP network 16, the quality of a voice for the conversation is sometimes deteriorated (page 7, 125<sup>th</sup> paragraph. Herein, the quality of the conversation of a particular priority is monitored). A user of the extension A1 or C1 dials a priority control special number. The priority class for the calling between the extension terminal 11 and the extension terminal 14 can be increased (page 7, 126<sup>th</sup> and 128<sup>th</sup> paragraph. Herein, the priority of the connection is modified). It would have been obvious to one having ordinary skill in the art at the time the invention was made to increase the priority of voice packets of a connection when quality of the voice packets deteriorated in Grube's system, as suggested by Kawahata, to minimize delay and loss of voice packets when a congestion occurs.

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5. Claims 7, 26, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Dupont (US Patent No. 5,729,542). Hereinafter, referred to as Grube and Dupont.

With respect to claims 7, 26, and 45, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose certificate provides the communication packet with a higher priority to access network bandwidth for voice quality relative to other connections. Dupont discloses a prioritization scheme to achieve expedited access by higher priority units and to increase overall throughput (col. 2, lines 56-59). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide network bandwidth to higher prioritized packets in Grube's system, as suggested by Dupont, to minimize delay of voice packets when a congestion occurs.

6. Claims 8, 12-13, 17, 27, 31-32, 36, 46, 50-51, and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Lester et al (US Patent No. 6,745,043 B1). Hereinafter, referred to as Grube and Lester.

With respect to claims 8, 27, and 46, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose notifying network users of a need to make resources available for a high-priority connection. Lester discloses that a pre-termination notification signal is generated on the lower priority communication link in order to notify the users that the communication link will be terminated shortly thereafter (col. 5, lines 15-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to notify



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lower priority users of their terminated network resources in Grube's system, as suggested by Lester, to provide network resources for higher priority users in case of urgency.

With respect to claims 12, 17, 31, 36, 50, and 55, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose determining if adequate resources are available for the connection and if not available, queuing the connection as first to receive resources as they become available and/or monitoring network resources to determine when sufficient resources are available to establish the requested connection. Lester discloses that when a lower priority communication link is not found, the communication signal is placed on hold until an open communication channel becomes available (col. 5, lines 10-13. Herein, the open communication channel must be monitored to determine its status). It would have been obvious to one having ordinary skill in the art at the time the invention was made to queue a connection in Grube's system, as suggested by Lester, to provide network resources to higher priority users as network resources become available in case of emergency.

With respect to claims 13, 32, and 51, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose queuing higher priority connections and pre-empting connections with a lower relative priority. Lester discloses that when a lower priority communication link is not found, the communication signal is placed on hold until an open communication channel becomes available (col. 5, lines 10-13). Further, Lester discloses that a pre-termination notification signal is generated on the lower priority communication link in order to notify the users that the communication link will be terminated shortly thereafter (col. 5, lines

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15-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to queue higher priority connections when network resources are not available and pre-empt lower priority connections in Grube's system, as suggested by Lester, to provide network resources to higher priority users in case of emergency.

7. Claims 9-10, 16, 28-29, 35, 47-48, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube in view of Uhlik et al (US Patent No. 6,600,914 B2). Hereinafter, referred to as Grube and Uhlik.

With respect to claims 9-10, 16, 28-29, 35, 47-48, and 54, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose determining whether adequate resources are available for the connection and/or identifying resources required; if not available, pre-empting other connections to free up resources for the connection; and establishing the connection using the freed-up resources; and wherein freeing up resources comprising downgrading quality of service parameters of the other connections. Uhlik discloses that the subscriber unit sends an emergency link request to the base station. If there are no available channels, the base station assigns a channel by disconnecting or otherwise downgrading an existing telephone call that is not an emergency call or degrading the bit rate of existing non-emergency calls, providing the freed channel to the emergency caller (col. 3, lines 14-20. Herein, available channels are required resources). It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine resources, free up resources, and establish the connection in Grube's system, as suggested by Uhlik, thereby network resources are provided for higher priority users in case of emergency.

8. Claims 11, 30, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube and Uhlik further in view of Lester.

With respect to claims 11, 30, and 49, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose notifying affected users that their connections are subject to preemption. Lester discloses that a pre-termination notification signal is generated on the lower priority communication link in order to notify the users that the communication link will be terminated shortly thereafter (col. 5, lines 15-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to notify lower priority users of their terminated network resources in Grube's system, as suggested by Lester, to provide network resources for higher priority users in case of urgency.

9. Claims 14, 33, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube and Uhlik further in view of Hierholzer et al (US 2004/0109413 A1). Hereinafter, referred to as Grube, Uhlik, and Hierholzer.

With respect to claims 14, 33, and 52, Grube discloses a method for processing emergency call (Fig. 4). Grube does not disclose determining a path for the connection and determining whether adequate resources are available along the path. Hierholzer discloses that the resource manager has the information that data packets with the corresponding origin and destination will be transmitted over the transmission path concerned and further connections are established depending upon the available resources of the transmission path (page 1, 7<sup>th</sup> paragraph). It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine network resources along a path of a connection in Grube's

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system, as suggested by Hierholzer, thereby quality of the connection can be effectively maintained.

10. Claims 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawahata in view of Uhlik.

With respect to claim 59, Kawahata discloses a method for assigning call priority in a packet switched environment (Figs. 7-8), comprising:

receiving a request to establish a connection to a dialed number (page 8, 135<sup>th</sup> paragraph, when the number of the emergency telephone is dialed through the extension terminal 11, the dialed number is input to the exchange 13);

determining a priority for the connection based on the dialed number (page 8, 136<sup>th</sup> paragraph, the central controlling unit 32 recognizes that the dial is the number for the emergency telephone, extracts a service type corresponding to a priority class, e.g., "high priority" which is higher than a priority class included in the call setting message from the service type management table. Herein, the "high priority" is assigned for emergency call).

Kawahata does not disclose determining whether adequate resources are available for the connection; if not available, pre-empting other connections to free up resources for the connection; and establishing the connection using the freed-up resources; and wherein freeing up resources comprising downgrading quality of service parameters of the other connections. Uhlik discloses that the subscriber unit sends an emergency link request to the base station. If there are no available channels, the base station assigns a channel by disconnecting or otherwise downgrading an existing telephone call that is not an emergency call or degrading the bit rate of

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existing non-emergency calls, providing the freed channel to the emergency caller (col. 3, lines 14-20. Herein, available channels are required resources). It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine resources, free up resources, and establish the connection in Kawahata's system, as suggested by Uhlik, thereby network resources are provided for higher priority users in case of emergency.

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1, 3-20, 22-39, and 41-60 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Linneweh, Jr. et al (US Patent No. 5,862,485) discloses method and apparatus for allocating communication resources to support priority communications in a communication system.

Sicher (US Patent No. 5,570,411) discloses call priority in a mobile radiotelephone system.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'H. Pham', with a long horizontal line extending to the right.

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